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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,381	12/12/2001	Michael Wayne Brown	AUS920010818US1	2846

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,381

Applicant(s)

BROWN ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/12/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 01/20/05 have been fully considered but they are not persuasive.

Regarding claims 31-41, the Applicant argues on page 1, lines 3-6, that "Applicants acknowledge with thanks the telephone conference with Examiner Elahee. In accordance with that telephone conference, Applicants present the following remarks demonstrating that claims 31-41 are patentable and the case is in condition for allowance". Examiner disagrees with the statements. Examiner was not aware of the telephone conference. The applicant is respectfully requested to provide the evidence in support of the telephone conference.

Regarding claims 31-41, the Applicant further argues on page 3, line 31, that "Bovier never mentions selecting telephone services" and on page 4, lines 8, 9, that "Bouvier is discloses selecting an access service provider for dialup network connections not specifying telephone services for a particular caller". The examiner disagrees with the arguments. The applicant didn't claim the citation 'telephone services' in the body of the claim. The claimed limitation is recited in the preamble of the claim. The body of the claim following the preamble is a self-contained description of the structure and does not depend on the preamble for completeness and therefore, the preamble does not usually limit the claim.

Furthermore, the citation 'telephone services' is broad. Since, Bouvier teaches access service providers (col.6, lines 6-16), examiner considers access services through telephone as telephony services. Thus the rejection of the claim in view of Bouvier remain.

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Regarding claims 31-41, the Applicant further argues on page 7, lines 26-28, that Gurfein does not disclose “specifying telephone services for a particular caller” and on page 8, lines 7, 8, that “Gurfein discloses operating a telephone entertainment program not specifying telephone services for a particular caller”. The examiner disagrees with the arguments. The applicant didn’t claim the citation ‘telephone services’ in the body of the claim. The claimed limitation is recited in the preamble of the claim. The body of the claim following the preamble is a self-contained description of the structure and does not depend on the preamble for completeness and therefore, the preamble does not usually limit the claim.

Furthermore, the citation ‘telephone services’ is broad. Since, Gurfein teaches selecting audio entertainment program through telephone (abstract; page 4, paragraph 0065), examiner considers selection of audio entertainment program through telephone as telephony services. Thus the rejection of the claim in view of Gurfein remain.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 31, 33, 35, 37, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Bouvier et al. (U.S. Patent No. 6,430,276).

Regarding claim 31, Bouvier teaches receiving, at the service control subsystem, a Personal Identification Number (PIN) for a call request from a customer telephone (abstract; fig.1; col.5, line 65-col.6, line 13; 'service control subsystem' reads on the claim 'an intermediary device', 'Personal Identification Number (PIN)' reads on the claim 'authenticated caller identity' and 'customer telephone' reads on the claim 'origin device').

Bouvier further teaches retrieving the customer profile (i.e., caller profile) for the Personal Identification Number (PIN) (col.5, line 65-col.6, line 13). (Note; a particular customer is identified by his PIN and his profile is retrieved after being identified by SCP of service control subsystem)

Bouvier further teaches specifying a selection of services from among a plurality of services that are offered for the call request according to the customer profile (col.6, lines 11-16). (Note; each particular customer has subscribed a list of access service providers and each profile includes the list. Therefore, it is inherent that a selection of services from among a plurality of services are offered for a call request according to each particular customer profile.)

Regarding claims 33, 37 and 40, Bouvier teaches retrieving the caller profile from a database 50 (i.e., profile database) within the service control subsystem (fig.1; col.6, lines 11-16).

Regarding claim 35 is rejected for the same reasons as discussed above with respect to claim 31. Furthermore, Bouvier teaches the service control subsystem (i.e., intermediary device) communicatively connected to a telephone network (fig.1).

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Regarding claim 39 is rejected for the same reasons as discussed above with respect to claim 31. Furthermore, Bouvier teaches a database 50 (fig.1; col.6, lines 11-16; 'database' reads on the claim 'recording medium').

4. Claims 31, 35 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Gurfein et al. (U.S. Pub. No. 2003/0081744).

Regarding claim 31, Gurfein teaches receiving, at the telephone entertainment system, a PIN number for a call request from a caller telephone (fig.1; page 3, paragraph 0065; 'telephone entertainment system' reads on the claim 'an intermediary device', 'PIN number' reads on the claim 'authenticated caller identity' and 'caller telephone' reads on the claim 'origin device'). (Note; caller telephone is inherent)

Gurfein further teaches retrieving the caller profile for the PIN number (page 3, paragraph 0065). (Note; a particular caller is identified by his PIN and his profile is retrieved after being identified by the telephone entertainment system)

Gurfein further teaches specifying a selection of telephone shows (i.e., services) from among a plurality of telephone shows that are offered for the call request according to the caller profile (page 3, paragraphs 0065, 0066, 0071). (Note; each particular caller has subscribed a list of telephone shows and each profile includes the list. Therefore, it is inherent that a selection of telephone shows from among a plurality of telephone shows are offered for a call request according to each particular caller profile.)

Regarding claim 35 is rejected for the same reasons as discussed above with respect to claim 31. Furthermore, Gurfein teaches the telephone entertainment system (i.e., intermediary device) communicatively connected to a telephone network (fig.6, 7; page 10, paragraph 0163).

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Regarding claim 39 is rejected for the same reasons as discussed above with respect to claim 31. Furthermore, Gurfein teaches a database 50 (page 4, paragraph 0074; 'database' reads on the claim 'recording medium').

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouvier et al. (U.S. Patent No. 6,430,276) and in view of Moser et al. (U.S. Patent No. 6,556,127).

Regarding claims 32 and 36, Bouvier does not specifically teach "said authenticated caller identity is authenticated by a voice utterance of said caller". Moser teaches that the authenticated caller identity is authenticated by a voice utterance of the caller (col.3, lines 57-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bouvier to allow the authenticated caller identity being authenticated by a voice utterance of the caller as taught by Moser. The motivation for the modification is to have doing so in order to provide the option of orally entering the subscriber identification.

7. Claims 34, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouvier et al. (U.S. Patent No. 6,430,276) and in view of Kawahara et al. (U.S. Pub. No. 2002/0184096).

Regarding claims 34, 38 and 41, Bouvier fails to teach "retrieving said caller profile from a systems management server". Kawahara teaches that a caller name is identified by speech of the caller (fig.1, fig.2, fig.4; col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'caller name' reads on the claim 'authenticated caller identity' and 'identified by speech of the caller' reads on the claim 'authenticated by a voice utterance of said caller') Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bouvier to allow retrieving the caller profile from the systems management server as taught by Kawahara. The motivation for the modification is to have doing so in order to provide various services as desired by the caller.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Afana (U.S. Pub. No. 2002/0064261) teach Professional services billing personal identification number, Jacob et al. (U.S. Patent No. 6,636,590) teach Apparatus and method for specifying and obtaining services through voice commands and McAllister (U.S. Patent No. 6,317,484) teach Personal telephone service with transportable script control of services.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.
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June 3, 2005


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